

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6602 of 2019

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Surendra Prasad Singh Son of late Akhju Singh Resident of Village-
Kazibigha, PS-Nardiganj, Distt. Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
3. The District Magistrate cum Collector, Nawada at Nawada
4. The S.D.O. Nawada, Sadar, Nawada.
5. Block Supply Officer, Nardiganj Block, Nardiganj, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case is aggrieved by and
dissatisfied with the impugned order dated 02.02.2019 as
contained in Annexure-4 to the writ application by which the
P.D.S shop license of the petitioner has been cancelled.

Learned counsel for the petitioner submits that on the
perusal of the impugned order it would appear that after receipt
of the show-cause notice, this petitioner had submitted his
explanation which was sent to the Block Supply Officer,
Nardiganj vide letter No. 01 dated 04.01.2019 for his opinion



and report. The Block Supply officer did not submit any report. The licensing authority has recorded that he had called upon the Block Supply Officer repeatedly to submit his report but he has not submitted the report which shows that the Block Supply Officer is also involved in this. After seeing so, the explanation of the petitioner has been rejected without any consideration.

Learned counsel for the State submits in the given facts and circumstances where it is apparent from the impugned order that there is no consideration of the show-cause of the petitioner, the matter may be remanded to the Sub-Divisional Officer, Nawada for a afresh consideration in accordance with law.

Having heard learned Senior Counsel for the petitioner and learned counsel for the State, after perusal of the impugned order it appears to this Court that the impugned order is fit to be set aside on the ground of violation of principles of natural justice inasmuch as the explanation of the petitioner has not at all been considered by the Sub-Divisional Officer. It is surprising that the Sub-Divisional Officer has recorded that Block Supply Officer, Nardiganj seems to be involved in the matter then instead of proceeding further to take steps to obtain his report or get the matter inquired into himself he proceeded to



pass impugned order.

The impugned order is wholly illegal, it is hereby set aside and the matter is remitted to the Sub-Divisional Officer, Nawad Sadar (respondent No.4) to pass a fresh order after giving a proper opportunity of hearing to the petitioner as also upon consideration of the entire materials available on the records.

Let the whole exercise be completed within a period of 90 days from the date of received/production of a copy of this order.

In the meantime, license and supply of the petitioner shall stand restored.

(Rajeev Ranjan Prasad, J)

T.Kr./-Rajeev

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